

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PAUL SMITH,

Plaintiff,

v.

9:11-CV-0282
(NAM/CFH)

JOSEPH A. ROCK, Superintendent,
Upstate Correctional Facility, et al.,

Defendant.

APPEARANCES:

OF COUNSEL:

PAUL SMITH
00-A-2268
Upstate Correctional Facility
P.O. Box 12953
Malone, New York 12953
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
The Capitol
Albany, NY 12224-0341
Attorney for Defendants

MICHAEL G. McCARTIN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed on the 21st day of March 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

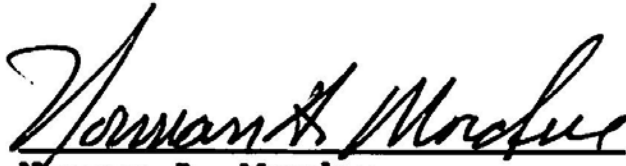
Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion to dismiss (Docket No. 68) is granted and plaintiff's complaint is dismissed due to his failure to attend a court-ordered deposition and diligently prosecute this action.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: April 15, 2014
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge